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09/903,650	07/13/2001	Kyoung Ro Yoon	24286/81351	1629

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EXAMINER	
SHEPARD, JUSTIN E	
ART UNIT	**PAPER NUMBER**
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/903,650	YOON ET AL.	
	Examiner	Art Unit	
	Justin E. Shepard	2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 June 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *15,17,18,20-24,31,34 and 35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *15,17,18,20-24,31,34 and 35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Page 7, 101 section:

The 101 rejections are withdrawn as they tie the method with an apparatus.

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claim 15 is objected to because of the following informalities: The last 2 paragraphs of the claim seems to repeat limitations found in the previous portions of the claim. Appropriate correction is required.

Claim 22 objected to because of the following informalities: The last 3 paragraphs of the claim seems to repeat limitations found in the previous portions of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering in view of Kiewit in view of Janis in view of Bunney.

Referring to claim 15, Eldering discloses a method implemented by an apparatus including a storage device and a controller for processing user history data stored in the storage device (column 2, lines 35-51), the method comprising:

storing, in the storage device, a hierarchical data structure for describing user history (figure 1; column 6, lines 4-13), the hierarchical data structure including

(a) a user information element to identify a user (figure 1, part 120),

(b) first user action history of the user as a first structural element of the hierarchical data structure (figure 1), and

(c) a second user action history of the user as a second structural element at the same level of the hierarchical data structure as the first structural element (figure 1),

wherein each user action item in both the first and second lists records a corresponding action of the user's consumption of content from a respective multimedia program and has (i) an action time indicating when the corresponding action of the user took place (figure 1; figure 6) and (ii) a unique content reference identifier that identifies the consumed multimedia program independent of the multimedia program's location (figure 6);

recording, in the first list of user action items, a first user action item corresponding to a first user action by the user, having a first unique content reference identifier that identifies the first multimedia program independent of its location (figure

1), wherein the recorded first user action item includes the first unique content reference identifier and timing information (figure 6).

Eldering does not disclose a method with the first user action history including (b-1) a first data protection attribute to specify whether all information in the first user action history is protected or not, using the first data protection attribute for specifying that information recorded in the first user action item about the first user action is protected in the first user action history; and

(b-2) a first list of user action items for describing a first aspect of the user's multimedia consumption including skipping or slow playing content; wherein the first user action is related to the first aspect of the user's multimedia consumption and includes skipping or slow playing a piece of a first multimedia program; for identifying the skipped or slow played piece of the first multimedia program;

the second user action history including (c-1) a second data protection attribute to specify whether all information in the second user action history is protected or not, and

(c-2) a second list of user action items for describing a second aspect of the user's media consumption including playing or recording a content stream,

and enables access to content related metadata that is not provided in the user history.

In an analogous art, Kiewit teaches a method with (b-2) a first list of user action items for describing a first aspect of the user's multimedia consumption including skipping or slow playing content; wherein the first user action is related to the first

aspect of the user's multimedia consumption and includes skipping or slow playing a piece of a first multimedia program; for identifying the skipped or slow played piece of the first multimedia program (column 4, lines 58-66; column 5, lines 63-66); and

(c-2) a second list of user action items for describing a second aspect of the user's media consumption including playing or recording a content stream (column 5, lines 46-61).

At the time of the invention it would have been obvious for one of ordinary skill in the art to additional consumption data taught by Kiewit to the method disclosed by Eldering. The motivation would have been to enable more detailed information to be provided, which would make the information provide more useful.

Eldering and Kiewit do not disclose a method with the first user action history including (b-1) a first data protection attribute to specify whether all information in the first user action history is protected or not, using the first data protection attribute for specifying that information recorded in the first user action item about the first user action is protected in the first user action history; and

the second user action history including (c-1) a second data protection attribute to specify whether all information in the second user action history is protected or not, and

and enables access to content related metadata that is not provided in the user history.

In an analogous art, Janis teaches a method with the first user action history including (b-1) a first data protection attribute to specify whether all information in the

first user action history is protected or not, using the first data protection attribute for specifying that information recorded in the first user action item about the first user action is protected in the first user action history; and

the second user action history including (c-1) a second data protection attribute to specify whether all information in the second user action history is protected or not (column 6, lines 17-38; column 7, lines 18-25).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the protected portion of the user history taught by Janis to the data structure disclosed by Eldering and Kiewit. The motivation would have been to block portions of the user history that the headend wants protected for security means.

Eldering, Kiewit and Janis do not disclose a method that enables access to content related metadata that is not provided in the user history.

In an analogous art, Bunney teaches a method that enables access to content related metadata that is not provided in the user history (column 4, lines 3-6).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the external content access taught by Bunney to the method disclosed by Eldering, Kiewit and Janis. The motivation would have been to enable access to the additional information stored on databases disclosed by Eldering.

Claim 22 is rejected on the same grounds as claim 15.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering, Kiewit, Janis and Bunney as applied to claim 15 above, and further in view of CIDF Website.

Referring to claim 17, Eldering, Kiewit, Janis and Bunney do not disclose a method for processing user history data as claimed in claim 15, wherein each unique content reference identifier is a content reference ID (CRID) of a content ID forum (CIDF).

In an analogous art, the CIDF website teaches a method for processing user history data as claimed in claim 15, wherein each unique content reference identifier is a content reference ID (CRID) of a content ID forum (CIDF) (Mission of the forum).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the CIDF format to the data disclosed by Eldering, Kiewit, Janis and Bunney. The motivation would have been to enable the headend to easily track which user the data is coming from.

Claims 18, 20, 21, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering, Kiewit, Janis and Bunney as applied to the claims above, and further in view of Grauch.

Referring to claim 18, Eldering, Kiewit, Janis and Bunney do not disclose a method for processing user history data as claimed in claim 15, wherein the second user action history describes the aspect of the user's consumption type and includes

data that represents a first consumption type indicating how the user consumed content from the first multimedia program.

In an analogous art, Grauch teaches a method for processing user history data as claimed in claim 15, wherein the second user action history describes the aspect of the user's consumption type and includes data that represents a first consumption type indicating how the user consumed content from the first multimedia program (figure 7).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the multiple consumption types taught by Grauch to the data structure taught by Eldering. The motivation would have been to allow for more data to be collected and make the system able to create a more complete summary of the user's viewing habits.

Claim 23 is rejected on the same grounds as claim 18.

Referring to claim 20, Eldering, Kiewit, Janis and Bunney do not disclose a method for processing user history data as claimed in claim 15, wherein the first user action history describes the aspect of the user's consumption behavior and includes data that represents a consumption behavior with respect to the first multimedia program.

In an analogous art, Grauch teaches a method for processing user history data as claimed in claim 15, wherein the first user action history describes the aspect of the user's consumption behavior and includes data that represents a consumption behavior with respect to the first multimedia program (figure 7).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the multiple consumption types taught by Grauch to the data structure taught by Eldering. The motivation would have been to allow for more data to be collected and make the system able to create a more complete summary of the user's viewing habits.

Referring to claim 21, Eldering does not disclose a method for processing user history data as claimed in claim 20, wherein the data that represents the consumption behavior indicates a selection from an action type group including operations of normal play, skip, replay, and slow play.

In an analogous art, Kiewit teaches a method for processing user history data as claimed in claim 20, wherein the data that represents the consumption behavior indicates a selection from an action type group including operations of normal play, skip, replay, and slow play (column 4, lines 58-66; column 5, lines 46-66).

At the time of the invention it would have been obvious for one of ordinary skill in the art to additional consumption data taught by Kiewit to the method disclosed by Eldering. The motivation would have been to enable more detailed information to be provided, which would make the information provide more useful.

Claim 24 is rejected on the same grounds as claim 21.

Claims 31, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering, Kiewit, Janis and Bunney as applied to the claims above, and further in view of Dedrick.

Referring to claim 31, Eldering, Kiewit, Janis and Bunney do not disclose a method of claim 15, wherein recording the first user action includes storing the first user action item in a portable medium.

In an analogous art, Dedrick teaches a method of claim 15, wherein recording the first user action includes storing the first user action item in a portable medium (column 7, lines 37-43).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the portable medium taught by Dedrick to the method taught by Eldering. The motivation would have implement the transferring of the profile between different devices as taught by Eldering (column 2, lines 45-51).

Referring to claim 34, Eldering, Kiewit, Janis and Bunney do not disclose a method of claim 15, wherein storing the hierarchical data structure includes storing the hierarchical data structure in a smart card.

In an analogous art, Dedrick teaches a method of claim 15, wherein storing the hierarchical data structure includes storing the hierarchical data structure in a smart card (column 7, lines 37-43).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the data protection smart card taught by Dedrick to the method disclosed

by Eldering. The motivation would have been to enable more detailed information to be provided without having to worry about privacy issues due to the increased user information being shared.

Claim 35 is rejected on the same grounds as claim 34.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-5967.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/
Supervisory Patent Examiner, Art Unit 2424

JS